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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 Lincoln Club of San Diego County,
12 Plaintiff,
13 v.
14 Bonnie Dumanis, San Diego District
15 Attorney, sued in her official capacity;
16 County of San Diego,
17 Defendants.

Case No. 10 CV 2114 IEG (BGS)

**ORDER GRANTING JOINT MOTION
FOR (1) LEAVE TO FILE AMENDED
COMPLAINT, (2) DISMISSAL OF
DEFENDANT BONNIE DUMANIS,
(3) ENTRY OF PRELIMINARY
INJUNCTION**

18 The parties having agreed to a joint stipulation, and for good cause shown, the
19 Court GRANTS the Joint Motion, providing:

20 1. Plaintiff Lincoln Club is granted leave to file an amended complaint, adding
21 the County of San Diego as a defendant.

22 2. Bonnie Dumanis, San Diego District Attorney, is dismissed as a defendant.
23 Bonnie Dumanis agrees that she shall be bound by the Court's rulings with respect to the
24 matters at issue in this lawsuit.

25 3. The Court now enters a preliminary injunction against the County of San
26 Diego providing:

27 a. The word "committee" as it is used in County of San Diego's Regulatory
28 Ordinance section 32.923, subsections (a), (b) and (c), does not include an independent

1 expenditure committee.

2 b. County of San Diego's Regulatory Ordinance section 32.924(a) does not
3 limit contributions to independent expenditure committees.


4 c. This preliminary injunction shall remain in effect so long as the Preliminary
5 Injunction in *Thalheimer v. City of San Diego*, Case No. 09-CV-2862-IEG (WMC),
6 issued on February 16, 2010, enjoining the City of San Diego from enforcing Section
7 27.2935(a) of its Municipal Election Campaign Control Ordinance, remains in effect.

8 4. This Court will issue a final judgment in Plaintiff's favor, declaring San
9 Diego's Regulatory Ordinance sections 32.923 and 32.942(a) unconstitutional as applied
10 to independent expenditure committees and contributions to them, if the *Thalheimer*
11 Court permanently enjoins the City of San Diego from enforcing Section 27.2935(a) of
12 its Municipal Election Campaign Control Ordinance, regardless of whether the County
13 amends sections 32.923(a) and 32.924(a) so that they no longer limit contributions to or
14 expenditures by independent expenditure committees.

15 5. Lincoln Club may seek to recover its attorneys fees and expenses subject to
16 42 U.S.C. § 1988 and/or any other relevant statute.

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18 **IT IS SO ORDERED.**

19 DATED: 10/21/2010

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22 IRMA E. GONZALEZ, Chief Judge
23 United States District Court
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